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FEB 23 2009

In re Application of :
Adolfo Goren et al :
Application No. 10/076,247 :
Filed: January 14, 2002 :
Attorney Docket No. P 0280702 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition, filed January 27, 2009 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action mailed November 5, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). Accordingly, the above-identified application became abandoned on December 6, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (2).

The petition does not satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (2) the \$810 petition fee was not received. The \$405 Request for Continued Examination (RCE) fee was received with petition on January 27, 2009. The petition did not give the Office authorization to charge the petition fee. Accordingly, this petition can not be revive until the \$810 petition fee is received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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By facsimile: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at
(571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions